



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

January 3, 2013

VIA E-MAIL and U.S. MAIL

Dr. Susan Hedman, Regional Administrator
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard (R-19J)
Chicago, Illinois 60604-3507

Dear Dr. Hedman:

On December 4, 2012, the Michigan Department of Environmental Quality (MDEQ) was notified by you of the United States Environmental Protection Agency's (USEPA) decision to not withdraw its objection regarding minimization of impacts and compensatory mitigation for the construction of proposed Marquette County Road 595. As noted in your letter, under Section 404 of the federal Clean Water Act, the MDEQ had 30 days from the date of receipt of that letter to issue a permit that satisfies the USEPA's reaffirmed objection or the authority to process the permit application under Section 404 transfers to the United States Army Corps of Engineers (USACE).

The applicant has been working with the MDEQ since the date of your letter to address the concerns raised by the USEPA's reaffirmed objection. As we have discussed previously, I believe that there are reasons to support the approval of this project. However, this letter serves as formal notification that due to the short time frame allowed by statute and the complexity of the issues remaining, the MDEQ is not issuing a permit for Marquette County Road 595. We have enclosed the applicant's December 27, 2012, response to the USEPA's reaffirmed objection, except for the additional information we understand was submitted directly to the USEPA by Mr. Ronald E. Greenlee. We understand that authority to process the permit application for this project under Section 404 of the Clean Water Act is now transferred to the USACE.

We value our partnership with the USEPA on Michigan's administration of the Section 404 Program and look forward to working with you in the future. If you need further information or assistance, please contact Mr. William Creal, Chief, Water Resources Division, at 517-335-4176; crealw@michigan.gov; or MDEQ, P.O. Box 30458, Lansing, Michigan 48909-7958; or you may contact me.

Sincerely,

Dan Wyant
Director
517-373-7917

Enclosure

Dr. Susan Hedman

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cc/enc: Mr. Ronald E. Greenlee, Kendricks, Bordeaux, Adamini, Chilman & Greenlee, P.C.
Mr. James M. Iwanicki, Marquette County Road Commission
Ms. Maggie Datema, Director of Legislative Affairs, MDEQ
Mr. James Goodheart, Senior Policy Advisor, MDEQ
Mr. Brad Wurfel, Communications Director, MDEQ
Mr. William Creal, MDEQ
Mr. Steve Casey, MDEQ
Ms. Colleen O'Keefe, MDEQ